United Nations A/AC.278/2015/2

General Assembly

Distr.: General
29 July 2015

Original: English

Open-ended Working Group on Ageing
Sixth working session
New York, 14-16 July 2015

Report of the Open-ended Working Group on Ageing

Rapporteur: Alan Cordina (Malta)

I. Organization of the session

A. Opening and duration of the session

1. The Open-ended Working Group on Ageing, established by the General Assembly in its resolution 65/182 of 21 December 2010, for the purpose of strengthening the protection of the human rights of older persons, held its sixth working session at United Nations Headquarters from 14 to 16 July 2015. The Working Group held six meetings.

2. The session was opened by the Chair of the Working Group, Mateo Estrémé (Argentina).

B. Attendance

3. The session was attended by representatives of States Members of the United Nations. Representatives of organizations of the United Nations system and observers for intergovernmental and non-governmental organizations also attended. A list of participants is available in document A/AC.278/2015/INF/1 (and also from http://social.un.org/ageing-working-group/sixthsession.shtml).

C. Election of officers

4. At its 1st meeting, on 14 July, the Working Group elected, by acclamation, Alan Cordina (Malta) as Vice-Chair to fill the vacancy following the resignation of Iakovos Iakovidis (Greece).

5. At the same meeting, the Working Group agreed to the designation of the Vice-Chair (Malta) as the Rapporteur for its sixth working session.

15-12872 (E) 050815

Please recycle

D. Agenda and organization of work

6. At its 1st meeting, on 14 July, the Working Group adopted its provisional agenda, as contained in document A/AC.278/2015/1. The agenda read as follows:

1. Election of officers.
2. Adoption of the agenda and other organizational matters.
3. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing.
4. Existing international framework on the human rights of older persons and identification of existing gaps at the international level.
5. Other matters.
6. Provisional agenda for the seventh working session of the Open-ended Working Group on Ageing.
7. Adoption of the report.

7. At the same meeting, the Working Group approved the proposed organization of work for its sixth working session, as set out in an informal paper, issued in English only.

E. Participation of non-governmental organizations in the work of the Open-ended Working Group on Ageing

8. At its 1st meeting, on 14 July 2015, the Working Group decided to approve the participation of the following 12 non-governmental organizations in its work:

Care Rights (Republic of Korea)

Centre for Gerontological Studies (India)

Dave Omokaro Foundation (Nigeria)

Federación Iberoamericana de Asociaciones de Personas Adultas Mayores (FIAPAM) (Spain)

Fundación Navarro Viola (Argentina)

Fundación Oportunidad Mayor (Chile)

Global Salvation Ministry Foundation (Ghana)

HelpAge Kenya (Kenya)

Saldarriaga Concha Foundation (Colombia)

SEG Civil Society Support Center (Armenia)

Turkey Retired Persons Organization (Turkey)

Vietnam Association of the Elderly (Viet Nam)

9. At the same meeting, the Working Group considered, in accordance with paragraph (c) (ii) of the decision entitled "Modalities of participation of non-governmental organizations in the work of the Open-ended Working Group on

Ageing", contained in section F of its report on its organizational session for 2011 (A/AC.278/2011/2), the application of the non-governmental organization El-Wedad Society for Community Rehabilitation (State of Palestine), for which an objection letter from a Member State was received.

10. Also at the same meeting, statements were made by the representatives of Israel and the United Arab Emirates (on behalf of the Arab Group).

11. The representative of the United States of America moved, in accordance with rule 116 of the rules of procedure of the General Assembly, to postpone the consideration of the application until 16 July 2015.

12. Statements in favour of the motion were made by the representatives of Canada and Israel; statements against the motion were made by the representatives of Egypt and Kuwait.

13. Also at its 1st meeting, the Working Group rejected the motion to adjourn the debate, by a recorded vote of 31 to 6, with 54 abstentions. The voting was as follows:

In favour:

Canada, Central African Republic, Guatemala, Israel, Singapore, United States of America.

Against:

Algeria, Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Cuba, Ecuador, Egypt, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Libya, Mauritius, Namibia, Nicaragua, Oman, Pakistan, Peru, Qatar, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Venezuela (Bolivarian Republic of), Zimbabwe.

Abstaining:

Afghanistan, Australia, Austria, Belgium, Bulgaria, China, Colombia, Cyprus, Czech Republic, Democratic People's Republic of Korea,[1] Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Finland, France, Germany, Ghana, Greece, Honduras, Hungary, India, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Mozambique, Nepal, Netherlands, New Zealand, Panama, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, Switzerland, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay.

14. At the same meeting, the Working Group then approved the participation of the non-governmental organization El-Wedad Society for Community Rehabilitation in its work by a recorded vote of 73 to 2, with 16 abstentions. The voting was as follows:[2]

In favour:

Afghanistan, Algeria, Angola, Argentina, Austria, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Chile, China, Costa Rica, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea,

[1] The delegation of the Democratic People's Republic of Korea subsequently indicated that it had intended to vote against.

[2] The delegation of the Syrian Arab Republic indicated that it had intended to vote in favour.

Denmark, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kuwait, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Morocco, Namibia, Netherlands, New Zealand, Nicaragua, Oman, Pakistan, Peru, Poland, Qatar, Republic of Korea, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, Switzerland, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe.

Against:

Canada, Israel.

Abstaining:

Australia, Central African Republic, Colombia, Dominican Republic, Equatorial Guinea, Ghana, Jamaica, Kazakhstan, Kenya, Mozambique, Panama, Philippines, Singapore, Togo, Uganda, United States of America.

15. After the vote, a statement in explanation of vote was made by the representative of Singapore.

F. Documentation

16. In accordance with General Assembly resolution 69/146, the Chair invited Member States, in a letter dated 6 March 2015, to contribute to the work of the Working Group by presenting concrete proposals, practical measures, best practices and lessons learned that will contribute to promoting and protecting the rights and dignity of older persons. The contributions by Member States are posted at the following link: http://social.un.org/ageing-working-group/sixtsession-proposals.shtml.

17. The list of documents before the Working Group at its sixth working session is available from http://social.un.org/ageing-working-group/sixthsession.shtml.

II. Existing international framework on the human rights of older persons and identification of existing gaps at the international level

18. The Working Group considered item 4 of the agenda at its 1st to 6th meetings, from 14 to 16 July 2015. It held a general discussion of the item at the 1st, 4th and 6th meetings, on 14, 15 and 16 July.

19. At its 1st meeting, on 14 July, the Working Group heard statements by the representatives of the European Union, Canada, Brazil, the United States, Colombia, the Philippines, Slovenia, India, Chile, Qatar, Japan, Italy, Indonesia, Uruguay, Peru and Costa Rica.

20. At its 4th meeting, on 15 July, the Working Group heard statements by the representatives of Ghana, Equatorial Guinea, Cuba, El Salvador, Panama, Argentina, Australia, Turkey, Mexico, Switzerland, Bangladesh, South Africa, Viet Nam, Kenya, Egypt, Malaysia, China, Israel, Paraguay, Austria and the Dominican Republic.

21. At its 6th meeting, on 16 July, the Working Group heard statements by the representatives of Morocco, Nepal and Denmark, as well as by the observer of the Holy See.

22. At the same meeting, a statement was also made by the representative of the International Labour Organization.

Panel discussion on "Recent policy developments and initiatives concerning the human rights of older persons"

23. At its 2nd meeting, on 14 July, the Working Group held a panel discussion on the topic "Recent policy developments and initiatives concerning the human rights of older persons", which was moderated by Alan Cordina, Vice-Chair (Malta). Presentations were made by the following panellists: Tine Buffel, Marie Curie Research Fellow at the University of Manchester; Edward Gerlock, Founding Member, Coalition of Services for the Elderly, Philippines; Marcus Skinner, Humanitarian Policy Manager, HelpAge International, United Kingdom of Great Britain and Northern Ireland; Raymond Jessurun, Vice-President, Seniors and Pensioners Association, Saint Martin; Marvin Formosa, Director, International Institute on Ageing, Malta; and Adriana Rovira, Director, National Institute of Older Persons, Uruguay.

24. The Working Group then held an interactive dialogue, during which the panellists responded to the comments and questions posed by the representatives of Costa Rica, Singapore, the European Union, the Dominican Republic, Sweden, El Salvador and Panama. A statement was also made by the representative of Age Platform Europe, a non-governmental organization.

Panel discussion on "Recent legislative and legal developments and challenges in the human rights of older persons"

25. At its 3rd meeting, on 15 July, the Working Group held a panel discussion on the topic "Recent legislative and legal developments and challenges in the human rights of older persons" which was moderated by the Chair. Presentations were made by the following panellists: Israel Doron, Head of the Department of Gerontology, University of Haifa (Israel); Sandra Huenchuan, Specialist at the Latin American and Caribbean Demographic Centre-Population Division of the Economic Commission for Latin America and the Caribbean; Johan Lodewyk Strijdom, Head of Social Welfare of the African Union; Iván Chanis, Chair of the Working Group on Protection of the Human Rights of Older Persons of the Organization of American States; and Johan Ten Geuzendam, Adviser at the Directorate of Equality of the European Commission.

26. The Working Group then held an interactive dialogue, during which the panellists responded to the comments and questions posed by the representatives of Argentina, the European Union, Sweden, the Islamic Republic of Iran and the United States. Statements were also made by the representatives of the following non-governmental organizations: Dave Omokaro Foundation, Age Platform Europe and HelpAge Kenya.

Interactive discussion on "Follow-up to resolution 69/146: Proposals and measures, best practices and lessons learned that will contribute to promoting and protecting the rights and dignity of older persons"

27. At its 4th meeting, on 15 July, the Working Group held a panel discussion on the topic "Follow-up to resolution 69/146: Proposals and measures, best practices and lessons learned that will contribute to promoting and protecting the rights and dignity of older persons", which was moderated by Matej Marn, Vice-Chair (Slovenia).

28. The Working Group held an interactive dialogue in which the following delegations participated: Argentina, Japan, Panama, Switzerland, the European Union, South Africa, El Salvador, Chile, Costa Rica, Slovenia, the United States, Brazil, Canada, the Dominican Republic and the Niger. Statements were also made by the representatives of the following non-governmental organizations: Age UK, National Association of Community Legal Centres, Australia, and HelpAge International.

Panel discussion on "Older persons and human rights in the post-2015 development agenda"

29. At its 5th meeting, on 16 July, the Working Group held a panel discussion on the topic "Older persons and human rights in the post-2015 development agenda", which was moderated by AlDaana Mohammed A.H. Al-Mulla, Vice-Chair (Qatar). Presentations were made by the following panellists: Grace Sanico Steffa, Human Rights Officer, Office of the United Nations High Commissioner for Human Rights, Geneva (via videoconference); Francesca Perucci, Chief, Statistical Services Branch, Statistics Division, Department of Economic and Social Affairs of the Secretariat; and Asghar Zaidi, Professor of International Social Policy, University of Southampton, United Kingdom.

30. The Working Group then held an interactive dialogue, during which the panellists responded to the comments and questions posed by the representatives of the European Union, Sweden, El Salvador, Brazil, the United States and Costa Rica. Statements were also made by the representatives of the following non-governmental organizations: International Association of Geriatrics and Gerontology; AARP; Gray Panthers; Centre for Gerontological Studies; and International Longevity Centre, Australia.

Presentation by the Independent Expert on the enjoyment of all human rights by older persons

31. At its 5th meeting, on 15 July, the Working Group heard a presentation by Rosa Kornfeld-Matte, Independent Expert on the enjoyment of all human rights by older persons.

32. At the same meeting, the Independent Expert responded to the comments and questions posed by the representatives of Costa Rica, the European Union, Uruguay, Singapore, Argentina and Brazil, as well as by the representative of HelpAge International, a non-governmental organization.

III. Other matters

Interactive dialogue with civil society

33. The Working Group considered item 5 of the agenda at its 6th meeting, on 16 July, and an interactive discussion with representatives of civil society was held. Statements were made by the representative of Argentina, as well as by the representatives of the following non-governmental organizations: Associação Nacional do Ministério Público de Defesa dos Direitos dos Idosos e Pessoas com Deficiência; Asociación Gerontológica Costarricense; Gray Panthers; HelpAge International; Japan Support Center for Activity and Research for Older People; International Longevity Centre Global Alliance, Ltd.; Senior Citizens Association of Zambia; Vietnam Association of the Elderly; International Association of Homes and Services for the Aging; International Network for the Prevention of Elder Abuse; and International Longevity Centre, Australia.

Discussion on the way forward

34. At the same meeting, the Working Group held a discussion on the way forward, during which statements were made by the representatives of Costa Rica, the United States, the European Union, South Africa, Canada, Argentina, Switzerland, Panama and Japan.

IV. Chair's summary of the key points of the discussions

35. At its 1st meeting, on 14 July, the Working Group agreed to include the Chair's summary of the key points of the discussions in the report of the session. The Chair's summary reads as follows:

Chair's summary of the key points of the discussions at the sixth session of the Open-ended Working Group on Ageing established for the purpose of strengthening the protection of the human rights of older persons

The sixth session of the Working Group has allowed us to further deepen our knowledge of the matters that we have been working on in previous sessions.

Both during the general debate and the interactive exchange of views that took place afterwards, delegations emphasized how important it was for the United Nations to continue to address issues related to the protection of the human rights of older persons. In that context, the relevance of the mandate of the Working Group was reaffirmed.

As in previous years, some delegations stressed that a greater protection of the human rights of older persons could be reached through the better and more efficient implementation of existing instruments and mechanisms, including the Madrid International Plan of Action on Ageing, 2002.

Conversely, other delegations, organizations of civil society and several panellists emphasized that the goal of greater protection could only be reached

through a specific international legal instrument encompassing all human rights of older persons.

In spite of those differences, there continued to be important common positions to all participants, namely:

(a) That, as a result of the increase in the life expectancy and ageing of the world population, older persons are key actors in our societies from the economic, social and political points of view. That requires a change of paradigm: older persons should not be considered passive subjects who receive assistance from the State, but rather active subjects who should be able to fully exercise their human rights and demand that they be respected;

(b) That the existing mechanisms designed to guarantee the full exercise of the civil, political, social, economic and cultural rights of older people have flaws, either because there are deficiencies in terms of their implementation, as some States maintain, or because there is a normative gap at the international level that must be filled through the adoption of a universal legally binding instrument to address issues such as ill treatment, exclusion, stigmatization, discrimination and the satisfaction of basic needs of older persons.

That is why the mandate of the Working Group has a special relevance and validity, as it is the only intergovernmental mechanism within the framework of the United Nations established to discuss the best way to increase the protection of the human rights of older people.

At this point, I believe it is important for us to recall once again the mandate that has been entrusted to the Working Group by the General Assembly.

In accordance with General Assembly resolution 65/182, the Working Group should dedicate itself to strengthening the protection of the human rights of older persons by examining the current international framework of human rights of older persons and determining their possible deficiencies and the best way to improve them, including through the study, where applicable, of the viability of new instruments and measures.

But as I mentioned last year and what I would like to reiterate today, part of our mandate is also what the General Assembly decided in paragraph 1 of its resolution 67/139: that the Working Group should "consider proposals for an international legal instrument to promote and protect the rights and dignity of older persons, based on the holistic approach in the work carried out in the fields of social development, human rights and non-discrimination, as well as gender equality and the empowerment of women". In addition, paragraph 2 of that resolution requested the Working Group to "present to the Assembly, at the earliest possible date, a proposal containing, inter alia, the main elements that should be included in an international legal instrument to promote and protect the rights and dignity of older persons, which are not currently addressed sufficiently by existing mechanisms and therefore require further international protection".

I believe we all know well that the fact that a resolution, as is the case with General Assembly resolution 67/139, is adopted through a vote does not mean that it has less value than resolutions adopted by consensus. That has been the sound practice of the United Nations since its inception, in the General Assembly, the Security Council, the Economic and Social Council or other bodies, and it is in

accordance with the Charter of the United Nations and the rules of procedures that guide our work.

Therefore, beyond any doubt, the provisions of resolution 67/139 are part and parcel of the mandate of the Working Group.

During the six sessions of the Group has held since 2011, we have been able to revisit most aspects of the situation of the human rights of older persons worldwide.

We have also had opportunities to discuss the implementation of the Madrid International Plan of Action on Ageing, 2002, and take note of developments in regional multilateral processes on the elaboration of legal instruments. In that regard, during the present session we were informed of two crucial developments: the adoption in June 2015 of the Inter-American Convention on Protecting the Human Rights of Older Persons and the forthcoming adoption by the African Union of a protocol on the rights of older persons.

But as I mentioned before, identifying policy gaps or deficiencies in the implementation of the existing legal framework is only part of our task. We must think beyond that and explore measures that can be taken at the international level to remedy the lack of protection of the human rights of older persons.

This Working Group was the origin of several important initiatives. Let us recall, for example, that as a result of our discussions in previous sessions, the Human Rights Council established a special mechanism. For the second year in a row we have had the opportunity to interact with the Independent Expert Rosa Kornfeld-Matte, whom I thank for her participation.

The mandate of the Independent Expert is complementary to the mandate of the Working Group, and there is no superposition or duplication. There is nothing in the mandate of the Independent Expert that alters the mandate of the Working Group, and in my opinion there is no need for us to wait for the final report of the Independent Expert in order to make progress in the implementation of what has been mandated to us by the General Assembly.

During the current session several delegations reiterated concrete proposals to address the gaps in implementation, information and monitoring that the Working Group has identified during the last four years. Among those proposals we can mention the following:

(a) That treaty bodies incorporate in their respective mandates the issue of human rights of older persons, which would entail seeking information from States for inclusion in their periodic reviews in order to facilitate specific recommendations in their concluding observations and the highlighting of issues related to ageing in their general observations;

(b) That the special procedures mechanisms of the Human Rights Council consider issues related to the human rights of older people in their mandates;

(c) That Member States make the best use of the universal periodic review to address issues related to ageing;

(d) That funds and programmes of the United Nations system and the specialized agencies systematically include targets and indicators related to older people;

(e) That Member States include language related to the rights of older persons in resolutions and documents of various intergovernmental bodies;

(f) That the rights of older persons be highlighted in the post-2015 development agenda. In that respect, we have had the opportunity to exchange views on the importance of designing adequate indicators. We are aware that the sustainable development goals are already agreed, so what we need now is a framework of indicators that is methodologically sound, relevant, measurable, timely, accessible and easy to interpret. The indicators should encompass all population groups and be age-sensitive. We need to disaggregate data and identify the indicators that are more suited to measure specifics relating to older persons;

(g) That a comprehensive compilation of all applicable legal instruments be made by the Office of the United Nations High Commissioner for Human Rights.

Those, I believe, are very concrete proposals that I strongly recommend be forwarded for action by the General Assembly and other relevant bodies. I hope that delegations will be open to considering those issues when we negotiate the specific resolution on ageing in the seventieth session of the Assembly.

Last year, in my closing remarks, I invited the Working Group to work in two parallel tracks: to continue identifying the gaps of implementation, and to start working on the elements of a new international legal instrument.

This year we have received a number of proposals containing concrete elements for an international legal instrument for the protection of the human rights of older persons. Those contributions, and others that we might receive in the upcoming months, could constitute the basis for our future work on a possible legal instrument.

I am fully aware that there are countries that would not like to talk about a convention, and I use the word "convention" deliberately because I am convinced that we should get used to saying it in this Working Group without misgiving.

At the same time I am also aware that an increasing number of delegations and a unanimous and clear voice coming from civil society are requesting us to undertake the task of elaborating a convention. Can we continue turning a deaf ear to those calls? Can we ignore that part of our mandate? My response to both questions is no. A clear no, simple and without ambiguities.

That is why I invite you all to start working on the text of a legal instrument.

We can debate whether this is the most fitting format in which to perform the negotiations, or if we should establish a special committee, an ad hoc working group or any other format. We can debate the modalities of such negotiations. We can debate the timing of the negotiations and the inputs that could be used as a basis for our future work.

What we cannot do is continue saying that the United Nations is not the place to negotiate a specific convention on the rights of older persons. The Organization has negotiated all human rights multilateral legal instruments that are currently in force. The approach we used to build this impressive human rights structure was progressive, but from the beginning the ultimate goal was to guarantee that the protection and promotion of human rights is for all human beings, without any kind of distinctions.

This, in my view, is the next natural step in the long path that began with the adoption of the Universal Declaration of Human Rights on 10 December 1948.

I invite you to undertake this collective effort in favour of the more than one billion older persons of today and the more than six billion older persons of tomorrow. This cause should unite us and not divide us. We did it in the past; we can do it again now.

Before concluding, I would like to refer to the role of civil society and its participation in the proceedings of the Working Group. You have conveyed a clear message to us. I would like to assure you that we heard your positions and that we took note of your request to start the process of negotiating a convention.

We will continue to interact with, receive suggestions and seek advice from non-governmental organizations working with older persons. I would like to reiterate my suggestion that representatives of the civil society of our countries and regions be included in our national delegations.

In my opinion, the Working Group has clearly determined that multiple instances of violations of the human rights of older persons exist everywhere. Such violations should not be accepted or tolerated. We must now decide on how to translate that commitment into a more adequate framework for international protection. The result of the disablement of international norms is the lack of protection of the rights of older persons.

We should heed the words of Eleanor Roosevelt, who as you know was one of the driving forces behind the Universal Declaration of Human Rights, who said: "It is more intelligent to hope rather than to fear, to try rather than not to try. For one thing we know beyond all doubt: Nothing has ever been achieved by the person who says, 'It can't be done.'"

V. Provisional agenda for the seventh working session of the Open-ended Working Group on Ageing

36. At its 6th meeting, on 16 July 2015, a statement was made by the Chair regarding the provisional agenda for the seventh working session of the Working Group.

VI. Adoption of the report

37. At its 6th meeting, on 16 July, the Working Group adopted the draft report on its sixth working session (A/AC.278/2015/L.1).